

AMENDED IN ASSEMBLY AUGUST 24, 2010

AMENDED IN ASSEMBLY AUGUST 20, 2010

SENATE BILL

No. 608

**Introduced by Senator Alquist
(Principal coauthor: Senator Ducheny)**

February 27, 2009

An act to add Section 130064 to the Health and Safety Code, relating to health facilities, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 608, as amended, Alquist. Hospitals: seismic safety.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval. Existing law requires fees to be credited to the Hospital Building Fund, which is continuously appropriated to the office.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension of that deadline, under prescribed circumstances, for both structural and nonstructural requirements. Existing law also authorizes the office to grant an additional extension if the hospital building meets designated criteria, including appropriately retrofitting the facility, as specified.

This bill would authorize the office to grant ~~an~~ a 3-year extension of the 5-year extension in lieu of the previously described additional extension under specified conditions. *It would grant an additional extension of up to 2 years if specified criteria are met.* This bill would require a hospital owner that applies for ~~this an~~ extension pursuant to *this bill* to pay to the office a fee for the costs of reporting required for this extension. Because these fees would be deposited into a continuously appropriated fund, this bill would make an appropriation.

This bill would provide that the seismic safety extension provisions would not become operative if both this bill and SB 289 are enacted, both bills add Section 130064 to the Health and Safety Code, and SB 289 is chaptered last.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130064 is added to the Health and Safety
2 Code, to read:
3 130064. (a) In lieu of the extension described in subdivision
4 (f) of Section 130060, the office may grant an extension to a
5 general acute care hospital pursuant to either subdivision (c) or (f)
6 if the hospital building will not meet the seismic safety standards
7 of that section by January 1, 2013, due to a local planning delay.
8 (b) When applying for an extension under this section, the owner
9 of the general acute care hospital shall submit to the office
10 documentation that includes at least all of the following:
11 (1) The original schedule of the project or projects as had been
12 originally anticipated.
13 (2) The schedule of the project or projects as currently projected.
14 (3) A timeline for the submission of documents to the local
15 planning authority or jurisdiction.
16 (4) Documentation that the local planning authority for the
17 project and for the enabling phases of the project does not grant
18 approvals prior to November 1, 2010, where the hospital had
19 *originally* filed the local application prior to January 1, 2008.
20 (5) A proposed construction timeframe demonstrating the
21 completion of the project once the permit is issued. The
22 construction timeframe shall be approved by the office and shall
23 only include the amount of time that is reasonably necessary to

1 complete the construction required to meet the seismic safety
2 requirements.

3 (c) The office may grant an extension, in full one-year
4 increments, but no longer than three consecutive years, that
5 compensates for delays determined pursuant to subdivision (d).

6 (d) The office shall conduct a comprehensive review of the
7 schedule for the project or projects according to criteria specified
8 in this section. This review shall encompass the project or projects
9 under the jurisdiction of the office, as well as other project phases
10 not under the jurisdiction of the office. The office shall consider
11 the cumulative effect of local approval timelines for all elements
12 of the project or projects, inclusive of changes in scope or sequence
13 of the project or projects required by the local planning process.
14 The office may grant extensions based on an evaluation of each
15 of the following circumstances:

16 (1) Where the local planning authority approvals have delayed
17 or will delay the construction start date of the project or projects.

18 (2) Where the local conditions of approval on a project or
19 projects extend the duration beyond the originally anticipated
20 construction completion date.

21 (3) Where the cumulative effect of delays on the project or
22 projects ~~create~~ *creates* additional construction delays due to local
23 seasonal weather impact requirements of the local planning
24 authority.

25 (4) Construction related to the seismic retrofit or replacement
26 project has begun by January 1, 2013.

27 (5) The project or projects were submitted for review by the
28 department no later than January 1, ~~2008~~ *2009*.

29 (6) The project or projects have received a building permit from
30 the department no later than January 1, 2012.

31 (e) Every six months after the approval of the extension, the
32 hospital owner shall report to the office on the status of the project
33 or projects, demonstrating that it is making reasonable progress
34 toward meeting the construction timeline.

35 (f) The office may grant an additional extension of up to two
36 years in addition to the extension granted pursuant to subdivisions
37 (c) and (d) *only* if the project or projects meet *all of* the following
38 criteria:

1 (1) A matrix of buildings at the hospital that identifies
2 compliance of each building to the standards required by Section
3 130065 at the completion of the project or projects.

4 (2) The construction timelines submitted pursuant to subdivision
5 (a) were determined to go beyond three years from the date the
6 building permit was issued.

7 (3) Acute care services will not be provided in any SPC-1
8 building at any time during the extension.

9 (4) The hospital demonstrates that it has, and maintains
10 throughout the extension, life safety systems in all acute care
11 patient care areas that do not depend on, and are not routed through,
12 an SPC-1 building.

13 (5) The hospital either demonstrates that *the* SPC-1 building
14 does not pose a structural risk to an adjoining hospital building
15 *that* is used for acute care services or mitigates the risk in
16 accordance with a deadline described in subdivision (f) of Section
17 130060 that the office determines will best protect ~~the patients~~
18 *patient* safety.

19 (g) The office may revoke an extension granted pursuant to this
20 section for any hospital building where the work of construction
21 is abandoned or suspended for a period of at least six months,
22 unless the hospital demonstrates that the abandonment or
23 suspension was caused by factors beyond its control.

24 (h) The office may revoke an extension granted pursuant to this
25 section if it is determined that any information submitted pursuant
26 to this section was falsified in any manner by the hospital or if the
27 hospital fails to meet any of the criteria or conditions specified in
28 this section.

29 (i) Regulatory submissions made by the office to the California
30 Building Standards Commission pursuant to this section shall be
31 deemed, and shall be adopted as, emergency regulations.

32 (j) The hospital owner that applies for an extension pursuant to
33 this section shall pay to the office an additional fee, to be
34 determined by the office, sufficient to cover the additional cost
35 incurred by the office for maintaining all reporting requirements
36 established under this section, including, but not limited to, the
37 costs of reviewing and verifying the extension documentation
38 submitted pursuant to this section. This additional fee shall not
39 include any cost for review of the plans or other duties related to
40 receiving a building or occupancy permit.

1 (k) A hospital denied an extension pursuant to this section may
2 appeal the denial to the Hospital Building Safety Board.

3 *SEC. 2. Section 1 of this bill adds Section 130064 to the Health*
4 *and Safety Code. Section 1 shall not become operative if (1) both*
5 *this bill and Senate Bill 289 are enacted and become effective on*
6 *or before January 1, 2011, (2) each bill adds Section 130064 to*
7 *the Health and Safety Code, and (3) Senate Bill 289 is enacted*
8 *after this bill.*

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